

**TITLE 6: BUILDING REGULATIONS**  
**DIVISION 7: UNDERGROUNDING PROCEDURAL REGULATIONS**  
**Chapter 2: PROCEDURE - PUBLIC HEARING BY BOARD OF SUPERVISORS.**  
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**67.021 Called When.**

The Board of Supervisors may from time to time call public hearings to ascertain whether the public interest, necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the County and the underground installation of wires and facilities for supplying electric, communication or similar or associated service.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

**67.022 Notification of Hearing.**

The Clerk of the Board of Supervisors shall notify all affected property owners shown on the last equalized assessment roll, and all utilities concerned, by mail of the time and place of such hearings at least ten (10) days prior to the hearing. Included in the notice shall be a copy of Ordinance 2346, together with a copy of the resolution of the Board of Supervisors calling for a public hearing to determine whether public interest, necessity, health, safety, or welfare requires the formation of an underground utility district.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

**67.023 Open to Public.**

Each such hearing shall be open to the public and may be continued from time to time. At the hearing, all persons interested shall be given an opportunity to be heard. The decision of the Board of Supervisors shall be final and conclusive.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

**67.024 Report by Director of the Special Districts Department.**

Prior to public hearing, the Director of Special Districts Department shall consult all affected utilities and prepare a report to present at the hearing containing the extent of such utilities' participation and estimates of the total costs to the County and affected property owners. The report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

**67.025 Board of Supervisors May Designate Underground Utility District by Resolution.**

If, after the public hearing the Board of Supervisors finds that the public interest, necessity, health, safety or welfare is benefited by such removal and underground installation within a designated area, the Board of Supervisors shall, by resolution, declare the designated area an Underground Utility District and order removal and underground installation. The resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for removal and underground installation.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

#### **67.026 Unlawful Acts.**

Whenever the Board of Supervisors, creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures per Section 67.025, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the overhead facilities are removed.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

#### **67.027 Exception, Emergency or Unusual Circumstances.**

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period not to exceed thirty (30) days, without authority of the Director of the Special Districts Department in order to provide emergency service.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

#### **67.028 Granting Special Permission.**

The Director of the Special Districts Department may grant special permission in cases of unusual circumstances, without discrimination as to any person or utility to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

#### **67.029 Other Exception.**

This chapter and any resolution adopted pursuant to Section 67.025 hereof shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

- (a) Poles or electroliner used exclusively for street lighting being served by an underground electric system, except that lines and wires shall be underground.
- (b) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building or to the supplying utility located outside of the District boundary without crossing any public street.
- (c) Antennae, associated equipment and supporting structures used by a utility for furnishing communication services.
- (d) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.
- (e) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

#### **67.0210 Notice to Utility Companies.**

Within ten (10) days after the effective date of a resolution adopted pursuant to Section 67.025, the Clerk of the Board of Supervisors shall mail a copy of the resolution to all affected utilities.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

#### **67.0211 Responsibility of Utility Companies.**

If underground construction is necessary to provide utility service within a District created by any resolution adopted pursuant to Section 67.025, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required under its applicable rules, regulations and tariffs on file with the Commission.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

#### **67.0212 Notice to Property Owners.**

Within thirty (30) days after the effective date of a resolution adopted pursuant to Section 67.025, the Clerk of the Board of Supervisors shall mail a notice of the Board's action to all property owners within the District.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

#### **67.0213 Responsibility of Property Owners.**

(a) Every person owning, operating, leasing, occupying, or renting a building within a District shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 67.0211 and the termination facility on or within said building being served. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 67.025 hereof, the Director of the Special Districts Department shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner on the last equalized assessment roll, to provide the required underground facilities within ten (10) days after receipt of such notice.

(b) The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be addressed to the person in possession of such premises and also to the owner thereof. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the Director of the Special Districts Department shall, within forty-eight (48) hours after the mailing thereof, cause a copy to be posted in a conspicuous place on said premises.

(c) The notice given by the Director of the Special Districts Department to provide the required underground facilities shall specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of notice, the Director will authorize such required underground facilities to be provided in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

(d) If upon the expiration of the thirty (30) day period the said required underground facilities have not been provided, the Director shall proceed to have the work completed provided, however, if the premises are unoccupied and no electric or communications services are being furnished, the Director may in lieu of providing the required underground facilities, authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service. Upon completion, the Director shall file a written report with the Board of Supervisors setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Board of Supervisors shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten (10) days thereafter.

(e) The Director shall, upon the time for hearing of protest, give a notice in writing to the owner in the manner hereinabove provided for of the time and place that the Board of Supervisors will pass upon such report and will hear protests against the assessment. The notice shall also set forth the amount of the proposed assessment.

(f) Upon the date and hour set for the hearing of protests, the Board of Supervisors shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

(g) If any assessment is not paid within five (5) days after its confirmation by the Board of Supervisors, the amount of the assessment shall become a lien upon the property against which the assessment is made and the Director is directed to turn over to the Auditor-Controller a list of properties on which the assessment has not been paid, and the Auditor-Controller shall add the amount of assessment to the next regular bill for taxes levied against

the premises upon which assessment was not paid. The assessment shall be due and payable at the same time as property taxes are due and payable. If not paid when due and payable, the assessment shall bear interest at the current rate charged by the County Treasurer's Office for delinquent property tax levies.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

#### **67.0214 Responsibility of County.**

County shall remove at its own expense all County-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or use of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 67.025 hereof.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

#### **67.0215 Extension of Time.**

In the event that any act required by this chapter or by a resolution adopted pursuant to Section 67.025 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time or such limitation.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);

#### **67.0216 Official Records of Underground Utility Districts.**

After the effective date of a resolution adopted pursuant to Section 67.025 hereof, the Clerk of the Board of Supervisors shall send a certified copy of such resolution and all appended documents, charts, or maps, to the County Surveyor. All such resolutions and documents so received shall be filed by the County Surveyor and kept for public reference, and shall constitute the Official County Records of all Underground Utility Districts.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969); Renumbered and Amended Ordinance #2346 (1979);